

## Message Text

CONFIDENTIAL

PAGE 01 STATE 008144

ORIGIN EA-09

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06  
DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00  
H-01 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01  
OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06  
SAL-01 /118 R

DRAFTED BY EA/ANP:RLWILLIAMS/OES/OFA:JDALTON:PP

APPROVED BY EA/ANP:CASQUIRE

INT/OMSN:PMANHANRD

INT/OTA:JBERG

NOAA:BHOYLE

L/UNA:DSTEWART

D/LOS:GTAF

IO/UNP:BOPPEL

COAST GUARD:RMATTHEWS (INFO)

DOD/ISA:JELSTER (INFO)

-----132226Z 034832 /73

P R 132122Z JAN 77

FM SECSTATE WASHDC

TO CINCPACREP GUAM/TTPI PRIORITY

INFO USMISSION USUN NEW YORK

CINCPAC

C O N F I D E N T I A L STATE 008144

CINCPACREP PLEASE PASS STATUS LNO - CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PLOS, TQ

SUBJECT:US POSITION ON MICRONESIAN MARINE RESOURCES  
LEGISLATION

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 008144

1. YOUR THOUGHTFUL CABLE (REF) IS MUCH APPRECIATED. WE  
BELIEVE YOUR SECOND SUGGESTION (PARA 7 REF) BEST SERVES  
USG INTERESTS AT THIS TIME. THE FOLLOWING POINTS HAVE  
BEEN DEVELOPED WITH REGARD TO LEGISLATION ON MARINE  
RESOURCES THAT MAY BE PROPOSED AT CURRENT COM SESSION.  
YOU SHOULD UTILIZE ANY APPROPRIATE OPPORTUNITY IN CONTACTS  
WITH COM MEMBERS OR STAFF TO MAKE THESE POINTS, WITHOUT

MAKING ANY US COMMITMENT.

2. THE USG COULD NOT RPT NOT CONSIDER FAVORABLY LEGISLATION REFERRING DIRECTLY OR INDIRECTLY TO THE ARCHIPELAGO CONCEPT INCLUDING ARCHIPELAGIC BASELINES. WE WOULD, HOWEVER, FAVORABLY CONSIDER (AND ARE PREPARED TO ASSIST IN DRAFTING) LEGISLATION CREATING A FISHERY CONSERVATION ZONE, PROVIDED THAT THE JURISDICTIONAL CONTENT OF SUCH A ZONE DID NOT EXCEED THAT ESTABLISHED IN THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (MAGNUSON ACT), AND PARTICULARLY PROVIDED THAT JURISDICTION OVER TUNA WAS NOT INCLUDED. AS REGARDS THE STRUCTURE OF THE PARTICULAR MANAGEMENT SCHEME WHICH MIGHT BE DEVISED,

THE USG HAS AT THIS POINT NO STRONG VIEWS ON THIS ASPECT OF ANY PROSPECTIVE BILL, ALTHOUGH SOME FORM OF US/MICRONESIAN CONSULTATIVE MECHANISM WOULD SEEM NECESSARY SINCE THE REGULATIONS, ETC., TO BE APPLIED AGAINST FOREIGNERS WOULD HAVE TO BE CONSISTENT WITH ( ALTHOUGH NOT NECESSARILY IDENTICAL WITH) THOSE THE US WILL APPLY IN ITS OWN ZONE.

3. ALTHOUGH THE USG CANNOT ACCEPT AN ASSERTION OF COASTAL STATE JURISDICTION OVER TUNA, WE WOULD BE PREPARED ON BEHALF OF AND IN COLLABORATION WITH MICRONESIA TO ENTER INTO NEGOTIATIONS WITH NATIONS FISHING FOR TUNA IN THE WESTERN PACIFIC TO ESTABLISH A REGIONAL TUNA COMMISSION IN THAT AREA WHICH WOULD TAKE MICRONESIAN INTERESTS INTO ACCOUNT. THE OBJECTIVES  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 008144

AND POSITIONS FOR SUCH NEGOTIATIONS WOULD BE WORKED OUT JOINTLY BEFOREHAND. SUCH NEGOTIATIONS COULD GO FAR TO SATISFY MICRONESIAN SUBSTANTIVE OBJECTIVES AND COULD PRODUCE AN ARRANGEMENT UNDER WHICH MICRONESIA COULD DERIVE SIGNIFICANT BENEFIT FROM TUNA FISHING IN ITS FISHERY ZONE. HOWEVER, IT SHOULD BE CLEARLY UNDERSTOOD FROM THE OUTSET THAT ANY COM LEGISLATION BASED ON THE ARCHIPELAGO CONCEPT, INCLUDING ARCHIPELAGIC BASELINES, OR DIRECTLY ASSERTING JURISDICTION OVER TUNA WOULD HAVE TO BE MET WITH A VETO.

4. WE SEE SIGNIFICANT ADVANTAGES FOR MICRONESIA IF LEGISLATION SUBSTANTIALLY ACCEPTABLE TO THE US CAN BE FORMULATED AND ADOPTED. FIRST, THE MICRONESIANS WOULD HAVE THE IMMEDIATE BENEFIT OF A FISHERY CONSERVATION ZONE IN WHICH THEY MANAGED COASTAL STOCKS. SECONDLY, THE US WOULD NEGOTIATE A REGIONAL TUNA AGREEMENT FOR THE AREA AT AN EARLY TIME. THE USG STANDS READY TO ASSIST IN WHATEVER WAY POSSIBLE IN THE DRAFTING OF

SOUND LEGISLATION.

5. IN LIGHT OF YOUR DISCUSSIONS, PLEASE CABLE YOUR ASSESSMENT AS TO WHETHER THOSE MICRONESIANS MOST DIRECTLY CONCERNED WOULD BE AMENABLE TO ATTEMPT TO WORK OUT WITH US THE SPECIFICS OF ACCEPTABLE LEGISLATION. IF THE PROSPECT APPEARS FAVORABLE, WE MAY ASK YOU TO RETURN TO WASHINGTON FOR TECHNICAL CONSULTATIONS AT AN EARLY DATE. TO THE EXTENT POSSIBLE, PLEASE KEEP ACTING HIGH COMMISSIONER COLEMAN INFORMED, AND DURING HIS ABSENCE AS NECESSARY CONSULT ON TECHNICAL OR LEGAL MATTERS (SUCH AS THE MAGNUSON ACT) WITH ATTORNEY GENERAL HIGH OR OTHER OFFICIAL DESIGNATED BY THE ACTING HIGH COMMISSIONER.  
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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Disposition Date:** 22 May 2009  
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**Review Markings:**  
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